



3581/004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pat L. Gordon  
Serial No. : 09/466,387  
Filed : December 17, 1999  
For : GASTRIC STIMULATOR APPARATUS AND METHOD  
FOR USE  
Group Art Unit : 3737  
Examiner : Not yet assigned

Hon. Assistant Commissioner  
For Patents  
Washington, D.C. 20231

New York, New York  
March 31, 2000

Attention: Application Processing Division  
Special Processing and Correspondence Branch

RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION,  
INCLUDING REQUEST FOR SMALL ENTITY STATUS

Sir:

Responsive to the Notice to File Missing Parts of  
Application mailed February 4, 2000, applicants hereby  
submit the following:

1. A copy of the February 4, 2000 Notice to File Missing Parts of Application;
  2. An executed Declaration and Power of Attorney;

3. A Verified Statement Claiming Small Entity Status; and
4. A check in the amount of \$950.00 in payment of [X] the \$885.00 small entity filing fee for this application, [X] the \$65.00 small entity surcharge for late payment of the filing fee and for late filing of the Declaration.

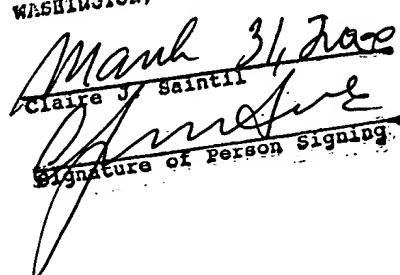
Small entity status is hereby respectfully requested on the basis of item 3 above.

Please credit any overpayment or charge any underpayment in connection with this Response to Deposit Account No. 06-1075. A duplicate copy of this paper is enclosed.

Respectfully submitted,

  
Walter M. Egbert, III  
Registration No. 37,317  
Attorney for Applicant  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020  
Tel.: (212) 596-9000

I hereby certify that this correspondence is being deposited with the U.S. postal service in First Class Mail in the envelope addressed to: ADAMANT COMMUNICATOR PCN PATRICK J. SAINTIL WASHINGTON, D.C. 20231 on

  
Claire J. Saintil  
Signature of Person Signing

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY/DOCKET NO/TITLE
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09/466,387 12/17/99 GORDON

P 3581/004

0242/0204



3737

WALTER M EGBERT III  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK NY 10020-1104

DATE MAILED:

02/04/00

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### *Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
 small entity (statement filed)  non-small entity is \$ 197.00

1. The statutory basic filing fee is:

- missing
- insufficient

Applicant must submit \$ 71.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 84.00 for 47 total claims over 20.

\$ 23.40 for 3 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unsigned
- does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration.

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.  
Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*A copy of this notice MUST be returned with the reply.*

04/07/2000 CVORACHA 00000048 09466387

01 FC:205  
02 FC:202  
03 FC:203

65.00 OP  
117.00 OP  
423.00 OP

Customer Service Center 205-3210  
Initial Patent Examination Division (703) 308-1202  
GPO:2000/OCT/2000 00000048 09466387

Best Available Copy